

CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DATE/TIME: Monday, February 27, 2006 - 7:00 p.m.

LOCATION: Police Department Auditorium 870 Santa Barbara Drive

Roll Call

- 1. Minutes of January 9, 2006 (draft minutes attached)
- 2. Report from Subcommittee on Notice of Preparation of EIR for Newport Beach General Plan Update (attachment) (attachment-final comments NOP)
- 3. Appoint subcommittees to review DEIR on the GP Update
- 4. Report from EQAC Representative to GPUC
- Report from EQAC Members on GPAC
- 6. Economic Development Committee (EDC) Representative's Report
- 7. Report from Staff on Current Projects
- 8. Public Comments
- 9. Future Agenda Items
- 10. Adjournment

NEXT MEETING DATE: March 20, 2006

*Attachments can be found on the City's website http://www.city.newport-beach.ca.us. Once there, click on City Council, then scroll to and click on Agendas and Minutes then scroll to and click on Environmental Quality Affairs. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor.



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DRAFT MINUTES 01-09-06

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on **Monday**, **January 9**, **2006**.

Members Present:

Χ	Steve Rosansky, Council Member		Sandra Haskell - EXC
Х	Richard Nichols, Council Member	X	Barry Allen
Х	Cris Trapp, Chairperson		Kristine Adams - Absent
	Dolores Otting, Vice Chair- Absent	X	Marianne Zippi
	Jeannette Thomas - Resigned		Tom Hyans – Sick Leave
Х	Matt Wiley		Jack Wu - EXC
	Christopher Welsh- Absent	X	Jennifer Winn
Χ	Mike Browning	X	Ray Halowski
	Brent Cooper -EXC	X	Barbara Thibault
	Laura Dietz - Absent	X	Merritt Van Sant
Х	Kenneth Drellishak		
Х	Laura Curran		
Х	Walter Lazicki		

Staff Representatives:

Guests Present:

Χ	Assistant City Manager Sharon Wood	
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Chairperson Cris Trapp called the meeting to order at approximately 7:04 p.m.

1. Minutes of December 19, 2005

Motion: Ray Halowski moved to approve the minutes as corrected. Kenneth Drellishak seconded the motion.

Motion passed unanimously

2. Report from Subcommittee on Draft EIR for Michelson Water Reclamation Plant Phase 2 and 3 Capacity Expansion Project, Irvine Ranch Water District.

Committee discussed the Subcommittee's comments on the draft EIR and changes to them.

Ray Halowski moved to approve as amended.

Merritt Van Sant seconded the motion.

Motion passed unanimously

3. Discussion of meeting attendance -

Chairperson Cris Trapp reinforced the importance of attendance and participation at the EDC meetings.

4. Report from EQAC Representative to GPUC -

No report

5. Report from EQAC Members on GPAC -

No report

6. Economic Development Committee (EDC) Representative's Report -

No Report

7. Report from Staff on Current Projects -

Sharon Wood reported on Notices of Preparation for projects in Irvine Business Complex. Chairperson Cris Trapp asked for subcommittee volunteers for these items and the General Plan update.

8. Future Agenda Items -

Staff presentation on codes and standard conditions of approval. General Plan update presentation.

9. Adjournment -

The meeting was adjourned at approximately 8:10 p.m.

Memorandum

DRAFT

To: Environmental Quality Affairs Citizens Advisory

Committee City of Newport Beach

From: City of Newport Beach General Plan Update

Subcommittee Environmental Quality Affairs

Citizens Advisory Committee City of Newport Beach

Subject: Notice of Preparation ("NOP") for the City of Newport Beach General

Plan Update (the "Project")

Date: February 27, 2006

Thank you for the opportunity to comment on the NOP for the captioned Project. We offer the following comments in the hopes of improving the Draft Environmental Impact Report ("DEIR") and the Project.

A. **Project Description:**

The NOP contains an incomplete and confusing Project description which the DEIR should complete and clarify. Nine planning subareas are identified, including Banning Ranch. Page 7, Figure 3 However, the subareas/districts discussion on pages 14-17, adds "West Newport Mesa" and "Harbor and Bay" subareas. The DEIR should use consistent terminology throughout the document.

The Statement of Objectives identifies two objectives which were considered important to residents during the public outreach. The DEIR should thoroughly evaluate the following two objectives that appear to be somewhat contradictory. The DIER should resolve this apparent conflict. Pages 2 and 9

- Modify land uses, densities and intensities so that traffic generation is controlled.
- Improve traffic flow without changing the character of the city.

The Statement of Objectives further refers to allowing growth where sustainable development can occur. The DEIR should define sustainable development and explain whether it will reduce or eliminate potential environmental impacts from the Project.

The Project Description conflicts with other parts of the NOP. The NOP states that Orange County Measure M Growth Management policies are incorporated in the Circulation Element of the NOP. However, the discussion of Circulation Element on Page 17 does not mention the Measure M requirement. Page 2, paragraph 1 If Measure M Growth Management policies are incorporated in the Circulation Element, that should be specifically identified in the DEIR.

Also, the term "Circulation" reportedly describes how "public services and facilities will be provided to businesses and residents," but no mention of it is included in Section XV (Transportation/Traffic) and XVI (Utilities/Service Systems) on Pages 41-44. The DEIR should clarify the relationship of Circulation requirements to these areas.

The Alternatives Section of the Project description states that Alternative A: GPAC Recommendations and Alternate B: Subarea Only Minimum will be analyzed in the EIR. Pages 18-19 However, the No Project/No Action Alternative should also be analyzed for comparison purposes.

Figure 3 should be revised to include all the subareas. For example, West Newport Mesa and Balboa Peninsula are not depicted on the map. Further, the DEIR should include a discussion of whether the subarea Corona del Mar is intended to include only the properties with frontage on Pacific Coast Highway, or the larger area commonly referred to as Corona del Mar.

Figure 3-2 should be revised to depict Newport Coast within the city limits of the City of Newport Beach.

Table 3 should be revised to include all subareas, such as Corona del Mar, and provide a column that identifies the Existing, Current General Plan, and Proposed General Plan land use for the balance of the City.

The proposed General Plan Update will add approximately 15,000 dwelling units to the existing City inventory. At approximately 2.75 people per unit, this equals 42,000 additional residents. According to Table 3, only 61 additional park acres will be provided (60 acres in Banning Ranch). Using the Quimby Act park dedication ratio of 5 acres per 1,000 people, approximately 200 park acres is needed.

In order to further Project objectives to protect and enhance recreational and open space opportunities, the DEIR should evaluate whether additional Parks/Open Space land use is warranted and amend the land use table with the applicable open space acreage.

B. Environmental Checklist and Discussion:

I. Biological Resources:

The NOP states that there are eleven special-status wildlife species and states that there are 27 sensitive wildlife and 24 sensitive plant species that occur or potentially occur within the Newport Beach area. The Discussion states that the EIR will include an analysis of potential impacts to special-status species. The DEIR should include an analysis of potential impacts on the 27 sensitive wildlife and 24 sensitive plant species, including location, quality of habitat and risks.

II. Hazards and Hazardous Materials:

This section recognizes that the Project may create significant impacts unless mitigation occurs.

Sub-sections (c) and (d) address the potential for hazardous emissions within one-quarter mile of an existing or a proposed school and the potential to locate development on a site which is included on a list of hazardous materials sites. These two sub-sections are designated as "Less Than Significant With Mitigation Incorporated" on the Environmental Checklist.

This language is confusing. If the impact is currently "potentially significant," the potential impacts should be analyzed as such. There should be a thorough evaluation of all the impacts. The DEIR may point out what can or cannot be done about them and what specific mitigation measures can be taken for some of these impacts. However, it appears to be premature to determine that these potentially significant impacts can be mitigated to a less than significant level. It should not be predetermined that these potentially significant impacts will not be completely discussed in the DEIR.

The DEIR must identify the potential impacts, thoroughly examine these potential impacts, discuss the threshold of significance, study the significance of the potential impacts and, if necessary, propose mitigation.

III. Hydrology and Water Quality:

As with the discussion of Hazards and Hazardous Materials, sub-section (a) states that even

though implementation of the General Plan Update "could cause runoff to adversely affect water quality, this potential impact is "Less Than Significant With Mitigation Incorporated." Without the full identification of the potential impacts, it appears premature to determine that these potentially significant impacts can be mitigated to a less than significant level.

The DEIR must identify the potential impacts, thoroughly examine these potential impacts, discuss the threshold of significance, study the significance of the potential impacts and, if necessary, propose mitigation.

IV. Land Use and Planning:

Sub-section (a) of the Land Use and Planning Section states that the purpose for increasing development in select areas of the City is to increase cohesiveness in the City. However, the objectives of the Statement of Objectives does not include the phrase "cohesiveness." The DEIR should fully define the meaning of cohesiveness and discuss its relationship to the objectives of the General Plan Update.

In the John Wayne Airport area where 4,300 dwelling units are proposed, there are no public parks. Much of Newport Beach developed over the past 40 years with a single landowner and master planned neighborhoods. Acquisition of public parks in the John Wayne Airport area presents a significant challenge because it is built-out and has numerous landowners that will make master planning and aggregation of property for neighborhood parks difficult.

The DEIR should include mitigation measures that provide creative methods to consolidate and acquire multiple properties into a large neighborhood park for the residents of the John Wayne Airport area. The DEIR should also identify whether the City's vision is for each project to meet its park dedication requirement with on-site private parks. If park dedication is dependent entirely upon on-site private parks, residents in the John Wayne Airport area will be left with very little choice over the parks available to them. This will lead to further use of existing public parks elsewhere in the City. The NOP describes the addition of approximately 1,200 additional dwelling units on Balboa Peninsula and Balboa Village. This equates to approximately 3,300 additional residents, and 16 acres of additional parkland using the Quimby Act formula. Similar to the challenge of providing public parks in the John Wayne Airport Area, the DEIR should identify the means to acquire public parkland for residents to use in this area of the City. The same issue presents itself with approximately 1,000 additional dwelling units in West Newport Mesa.

The DEIR should disclose whether the Newport-Mesa Unified School District has formulated a strategy for accommodating students from 11,000 additional homes permitted under the proposed Project outside the John Wayne Airport Area.

The DEIR should evaluate the cumulative traffic, school, and park impacts of additional dwelling units in Irvine's IBC proposed through General Plan Amendments, Zoning Entitlement, Preapplications, and other criteria for appropriate mitigation measures. Solutions to school capacity issues in the Irvine Business Complex may be applicable to residential development in the John Wayne Airport Area. The proposed Project will add approximately 1,000 hotel rooms within the subareas, and 2,100 additional hotel rooms throughout the rest of the City. The addition of 2,100 hotel rooms outside the subareas is a significant increase over the current hotel room inventory. The DEIR should identify the location of the additional hotel rooms outside the subareas and evaluate the environmental impacts of them.

The proposed land use plan redesignates large portions of the subareas from nonresidential to residential land uses. The transition from nonresidential to residential will take many years. The DEIR should evaluate whether this transition may cause blight if properties will become nonconforming uses, or if nonresidential buildings are not maintained because they will be recycled to residential use sometime in the future.

The NOP describes the plan for West Newport Mesa as encouraging the retention of light industrial. The DEIR should describe whether Newport Beach's plan is compatible with Costa Mesa's plan for its property adjacent to West Newport Mesa, and provide mitigation measures that will ensure the two neighboring areas will become cohesive as each City implements its General Plan Update. The NOP describes the plan for Corona del Mar as a pedestrian oriented village. Corona del Mar already meets this description. The DEIR should clearly contrast the new plan with the existing neighborhood and provide mitigation measures to ensure that the existing character of the neighborhood is maintained.

V. Transportation and Circulation:

Sub-sections (a) and (b) recognize that the proposed Project may create significant traffic impacts. Reference is made to increased traffic congestion due to the proposed Project and that these impacts will be analyzed in the DEIR. However, no critical areas of congestion are identified for analyses. If Table 4 on Page 17 is used as a guide for this analysis, it seems to be seriously lacking in understanding of the traffic impacts on Balboa Peninsula.

The proposed Project would add 471 hotel-motel rooms and 75,000 sq. ft. of institutional use on the Peninsula, but the NOP does not identify a need for additional Peninsula Transportation Improvements per Table 4. This appears to be a major oversight, which requires in-depth analysis the DEIR. Sub-section (d) states that "less than significant" impacts will result from roadway improvements associated with implementation of the proposed Project. This assessment is premature and needs to be re-evaluated when the roadway improvements are actually identified in the DEIR analysis.

Sub-section (e) recognizes a "potentially significant impact" in emergency access resulting from implementation of the proposed Project. However, it is not specifically stated that the Balboa Peninsula is particularly vulnerable to this situation. The DEIR should thoroughly analyze emergency access on Balboa Peninsula and, if necessary, propose mitigation for Project impacts. The discussion promises a traffic study, and if necessary, mitigation or Project features which may address potential impacts related to traffic that would result from the proposed Project implementation. The DEIR should incorporate the analysis promised by the NOP and also discuss,

VI. <u>Utilities and Service Systems</u>:

analyze and if necessary propose mitigation for Project impacts.

The Discussion for Sub-section (b) notes that the potential need for new or expanded wastewater treatment facilities is "potentially significant" and states that this need will be analyzed in the DEIR. It is assumed that the analysis will lead to mitigation measures to reduce potential impact to "Less Than Significant With Mitigation Incorporated." As stated previously, this designation appears to be premature. The NOP should designate this potential impact as "potentially significant" until the DEIR analysis is completed.

Sub-section (d) refers to availability of water supplies to support the proposed Project and should be

designated as "potentially significant" until the EIR analysis shows otherwise. The DEIR analysis should consider how the proposed Project could be designed to make maximum use of recycled water to minimize the need for fresh water.

Sub-sections (e) and (f), which address wastewater generation and increased general of solid waste, should also be designated as "potentially significant" until the EIR analysis proves otherwise.

C. Conclusion:

Thank you for the opportunity to comment on this important Project. We hope that these comments will assist the City in the DEIR and the final Project.

Memorandum

To: Gregg Ramirez, Senior Planner, City of Newport Beach

From: Environmental Quality Affairs Citizens Advisory Committee City of

Newport Beach

Subject: Notice of Preparation ("NOP") for the City of Newport Beach General

Plan Update (the "Project")

Date: February 28, 2006

Thank you for the opportunity to comment on the NOP for the captioned Project. We offer the following comments in the hopes of improving the Draft Environmental Impact Report ("DEIR") and the Project.

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eliminate potential environmental impacts from the Project.

The Project Description conflicts with other parts of the NOP. The NOP states that Orange County Measure M Growth Management policies are incorporated in the Circulation Element of the NOP. However, the discussion of Circulation Element on Page 17 does not mention the Measure M requirement. Page 2, paragraph 1 If Measure M Growth Management policies are incorporated in the

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Figure 3 should be revised to include all the subareas. For example, West Newport Mesa and Balboa Peninsula are not depicted on the map. Further, the DEIR should include a discussion of whether the subarea Corona del Mar is intended to include only the properties with frontage on Pacific Coast Highway, or the larger area commonly referred to as Corona del Mar.

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Sub-sections (c) and (d) address the potential for hazardous emissions within one-quarter mile of an existing or a proposed school and the potential to locate development on a site which is included on a list of hazardous materials sites. These two sub-sections are designated as "Less Than Significant With Mitigation Incorporated" on the Environmental Checklist.

This language is confusing. If the impact is currently "potentially significant," the potential impacts should be analyzed as such. It is especially critical that there is a thorough evaluation of all the impacts associated with the potential to develop a school or a housing development on a hazardous materials site. It is especially The DEIR may point out what can or cannot be done about them and what specific mitigation measures can be taken for some of these impacts. However, it appears to be premature to determine that these potentially significant impacts can be mitigated to a less than significant level. It should not be predetermined that these potentially significant impacts will not be completely discussed in the DEIR.

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The DEIR must identify the potential impacts to hydrology and water quality of the proposed Project, including the flooding impacts associated with urban streams, thoroughly examine these potential impacts, discuss the threshold of significance, study the significance of the potential impacts and, if necessary, propose mitigation.

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Sub-section (e) recognizes a "potentially significant impact" in emergency access resulting from implementation of the proposed Project. However, it is not specifically stated that certain areas within the City are vulnerable to this situation, including the Balboa Peninsula and the Airport Area. The DEIR should thoroughly analyze emergency access throughout the City and, if necessary, propose mitigation for Project impacts.

The discussion promises a traffic study, and if necessary, mitigation or Project features which may address potential impacts related to traffic that would result from the proposed Project implementation. The DEIR should incorporate the analysis promised by the NOP and also discuss, analyze and if necessary propose mitigation for Project impacts.

The DEIR should analyze whether the proposed Project adequately addresses alternative modes of transportation.

VI. <u>Utilities and Service Systems</u>:

The Discussion for Sub-section (b) notes that the potential need for new or expanded wastewater treatment facilities is "potentially significant" and states that this need will be analyzed in the DEIR. It is assumed that the analysis will lead to mitigation measures to reduce potential impact to "Less Than Significant With Mitigation Incorporated." As stated previously, this designation appears to be premature. The NOP should designate this potential impact as "potentially significant" until the DEIR analysis is completed.

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